



ON THE BORDERLINE: ABUSES AT THE UNITED STATES - MEXICO BORDER



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The American Friends Service Committee (AFSC) is a Quaker organization that includes people of various faiths who are committed to social justice, peace, and humanitarian service. Our work is based on the principles of the Religious Society of Friends, the belief in the worth of every person, and faith in the power of love to overcome violence and injustice. AFSC was founded in 1917 by Quakers to provide conscientious objectors an opportunity to aid civilian war victims. AFSC's San Diego office, the US-Mexico Border Program, was established in 1977 and focuses on uplifting the rights and dignity of border residents, migrants, and refugees in the region.

About the Authors

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Acknowledgments

The American Friends Service Committee would like to thank the courageous individuals who came forward to share their testimonials, without which this report would not be possible. These stories of mistreatment and abusive experiences shed light on federal agencies that operate within a culture of impunity, with little to no significant oversight mechanisms. AFSC is also appreciative of the interns, volunteers, and community partners that assisted in passing out Know-Your-Rights information at the San Ysidro Port-of-Entry. Their participation contributed significantly to countering that culture of impunity by informing border-crossers of their rights. We especially thank Karen Romero, Consultant for the American Friends Service Committee's programs in the Latin America and Caribbean Region, who documented and provided valuable information regarding deported migrants and asylum seeker abuses by federal border and immigration agents. AFSC would also like to acknowledge the San Diego Monthly Meeting of the Religious Society of Friends for generously providing the grant funds that led to this work.

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Executive Summary

The US- Mexico Border Program (USMBP) of the American Friends Service Committee (AFSC) presents this report on behalf of the communities who suffer abuses by federal border and immigration agents. AFSC is a non-partisan, non-profit, Quaker human rights organization that promotes lasting peace with justice, as a practical expression of faith in action.

Founded in 1977, AFSC's USMBP works to secure human rights and promote self-determination for migrants and border communities by facilitating leadership development, accompanying immigrant communities in their organizing processes, providing technical support and resources, and promoting collective action through human rights committees. The USMBP supports the growth and development of immigrant-led organizations, through the development of a network of "human rights committees," with the goal of bringing the voices and concerns of immigrant communities into policy debates at the local, state, and national level. An important component for the USMBP is to document and file complaints alleging mistreatment or abusive behavior by federal border and immigration agents, to challenge systemic abuses committed by federal agents. This is done to ensure that the agencies' policies and practices are accountable and fair, respect human dignity and human rights of all, regardless of citizenship or immigration status.

The research:

In May 2016, the USMBP announced a Human Rights Documentation Campaign with the purpose of documenting alleged cases of mistreatment and abusive behavior by federal



Photo by Pedro Rios / AFSC

border and immigration agents, where civil and human rights were of concern. Part of the Campaign's objectives included identifying any patterns that contributed to abusive practices, while at the same time, assisting individuals alleging mistreatment with filing administrative complaints with the appropriate agencies.

The Campaign focused primarily on Customs and Border Protection (CBP) agents, but also incorporated alleged mistreatment by other immigration agencies that interact regularly with the public.

This report highlights data from documented human and civil rights abuses, and it makes specific recommendations that will be shared with policy makers, advocates, and interested community members. The recommendations seek to improve law enforcement accountability measures for border and immigration agencies that interact with the public at ports of entry, to ensure fulfillment of the Constitution of the United States, and that comply with national and international legal norms guided by ethical principles.

Why it matters:

In recent years, reportsⁱ addressing CBP alleged mistreatment and abusive practices have tainted the agency as unaccountable with few

oversight measures and meaningful accountability standards. Civil society interacting with CBP agents are vulnerable to agents who take advantage of their position of power and mistreat, attack, harm, and humiliate the people who encounter them.

With the new Administration's dangerous rhetoric and policy proposals, such as the Executive Orders (Jan. 25, 2017) on border and interior enforcement, border crossers have expressed additional concerns that unbalanced heavy-handed enforcement will become the norm. Since the 2017 presidential inauguration, border crossers have already cited interactions with CBP agents at the San Diego ports of entry, alleging accusations that CBP agents are more aggressive in their scrutiny, more frequently search mobile devices, and have less regard for civil and human rights. For instance, accusations of CBP agents turning away asylum seekers fleeing violence and persecution has raised the concerns of nationalⁱⁱⁱ and internationalⁱⁱⁱⁱ human rights organizations.

In the absence of any serious oversight mechanisms within CBP, civil society is obligated to record and track incidents of abuse, to better identify problematic practices and take steps towards a safer and more dignified border community.

Methods:

The USMBP is responsible for determining the credibility and the validity of the information referenced in this report. USMBP staff created stringent forms to document and analyze the complaints alleging human and civil rights abuses by CBP agents and other federal immigration agents. USMBP staff invited members of the public to record their experiences by:

- Placing newspaper ads that informed the border community about their rights and encouraged the public to document and file administrative complaints through the USMBP;
- Posting informational videos through social media that provided the community information about their human and civil rights, encouraging them to share and document their stories of abuse and inform their family and friends by word of mouth;
- Conducting outreach at the San Ysidro Port-of-Entry by capturing testimonies of people alleging abusive treatment, by extending the "Cross with Dignity Campaign," a collaborative, border-wide documentation project that included organizations affiliated with the Southern Border Communities Coalition. USMBP staff held two "Know-Your-Rights Border Check Points" on September 21 and December 19, 2016, informing border crossers about their rights and how to register complaints alleging abusive treatment.

Conclusion:

It is difficult to quantify the distress of how on-going abuses by CBP agents affect the border community and the repercussions that these abuses produce to our society.



Photo by Pedro Rios / AFSC

CBP agents must act responsibly in their interactions with civil society, where compassion should be prioritized, and their actions guided and inspired by a responsibility that uplifts the dignity that all people inherently deserve.

Summary of Recommendations:

Federal border and immigration agents must speak and act with the utmost integrity and professionalism that values dignity and respect; they should perform their duties in a non-discriminatory manner, with respect to all forms of protected statuses under the Constitution, including equal protections under the law, ensuring due process, freedom of speech and religion, freedom from excessive use of force, and freedom from unreasonable searches. CBP agents must also respect and protect the human rights of the persons who cross U.S. borders, whether at ports of entry or through an unregulated way, regardless of nationality or immigration status.



Photo by Pedro Rios / AFSC

INTRODUCTION AND OVERVIEW

In May 2016, the USMBP announced a Human Rights Documentation Campaign to document alleged cases of mistreatment by CBP agents. The Campaign focused on border and federal immigration agencies that interact regularly with immigrants and the public, with a specific focus on ports of entry. The purpose of the Campaign was to document misconduct by law enforcement agencies and to hold agencies accountable for actions that have violated civil and human rights.

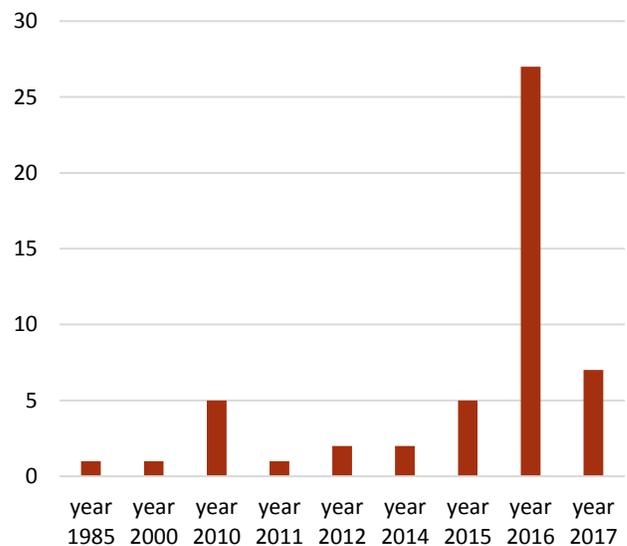
The USMBP is concerned that border residents cannot easily access information about their rights in the border region, which mistakenly leads many to believe they have no rights at all. A federal law-enforcement agency that operates above the law should be of concern to all border residents especially when people are being hurt, killed, and deprived of their basic rights with no repercussion.

The intention of this report is to raise awareness on how unchecked abusive practices impact the quality of life of families and communities and threaten human rights and civil liberties. Everyone who suffers abuses by federal border and immigration agents should have an opportunity to redress and give voice to that experience. Informing the public about abuses and urging the communities to act, attempts to bring greater oversight and accountability to these federal immigration agencies so future encounters can be free of abusive practices and every person who interacts with these agencies is treated with respect and dignity.

When the USMBP began the Human Rights Documentation Campaign, the focus was to document abuses in the U.S. Southern Border,

with a specific focus on ports of entries in San Diego County. However, during the campaign, we received cases claiming abuse by federal border and immigration agents dating from 1985 to the current year, from various ports of entry, as well as within the United States, from people of different nationalities, backgrounds, legal status and ages, ranging from **17** to **80** years of age, as well as people seeking asylum in the U.S. for credible fear of persecution. This is an indication that many people who have experienced mistreatment at the hands of federal border and immigration agents have not yet had an opportunity to redress, further highlighting the urgent need for monitoring and documentation work of civil human rights organizations.

Documented abuse cases by year

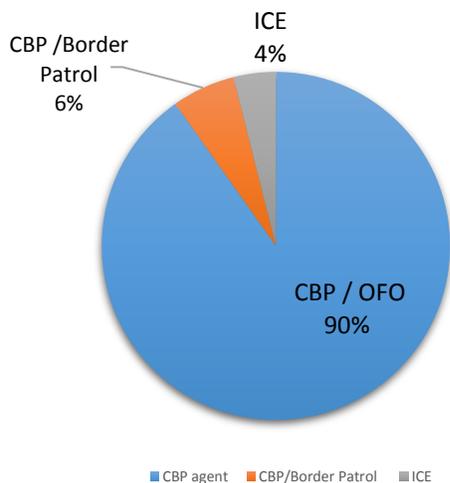


During the Campaign, the USMBP documented 51 cases of people alleging mistreatment by CBP and other immigration enforcement agents. Ten additional cases were documented, but were not included in this compilation for their anonymous nature. Finally, the USMBP recorded an additional 16 cases of people seeking asylum where CBP officials turned them away at the San Ysidro Port of Entry and possibly violated international agreements. The USMBP continues to receive cases alleging abuse and files administrative complaints when it is an appropriate course of action.

The process used by the USMBP to evaluate and represent the information of the documented abuses in this report, consisted in collecting the basic information of the aggrieved individuals, including a detailed testimony of the incident. It included identifying all violations of civil and human rights. The information was then analyzed and the data extracted as displayed below.

1	Case number	Name	Age	Gender	Citizenship	Language	Date of incident	Please indicate at which POE did you enter the United States.	Type of agent	If you were referred to a secondary	Were you arrested or detained?	Were you arrested or detained?	Did you experience any form of mistreatment?	Did you file a complaint with the DHS or ICE?	Did the DHS or ICE take any action?
42	41		30	F	Colombian Citizen	Spanish	#####	NY Airport ICE	ICE agent	NA	NA	NA	YES	YES	YES - N
43	42		60	F	US Citizen	Spanish	2010	Broadway and L	Border Patrol	NO	NO	NO	YES	YES	YES - YI
44	43		49	F	US Citizen	Spanish	#####	Dulsura, Julian C	CBP agent	NA	NA	NA	YES	NO	NO - N
45	44		42	M	Canadian Citizens	English	2010	CBP New York	CBP agent	NA	NA	NA	YES	NO	NO - N
46	45		NA	M	Legal Permanent	Spanish	Jul-16	San Ysidro	CBP agent	YES	NA	NA	YES-	NA	NA - N
47	46		52	F	Mexican Citizensh	Spanish	2016	Ped West	CBP agent	NA	NA	NA	YES	NO	NO - N
48	47		34	F	US Citizen	Spanish	2016	Ped West	CBP agent	YES-C	YES	NO	YES	NO	NO - N
49	48		36	M	Spanish citizensh	Spanish	#####	San Ysidro	CBP and ICE	NO	NA	NA	YES-W	NA	NA - N
50	49		44	F	Mexican Citizensh	Spanish	#####	San Ysidro	CBP agent	NO- wa	YES	YES	YES-W	YES-	YES- FN
51	50		45	M	Mexican Citizensh	Spanish	#####	San Ysidro, ready	CBP agent	NO	YES-	YES	YES-T	NO	NO - N
52	51			M	Mexican Citizensh	Spanish	Feb-17	San Ysidro	CBP agent	NO	YES	Yes-	YES-A	NO	NO - N

DHS Agency that committed the documented abuses



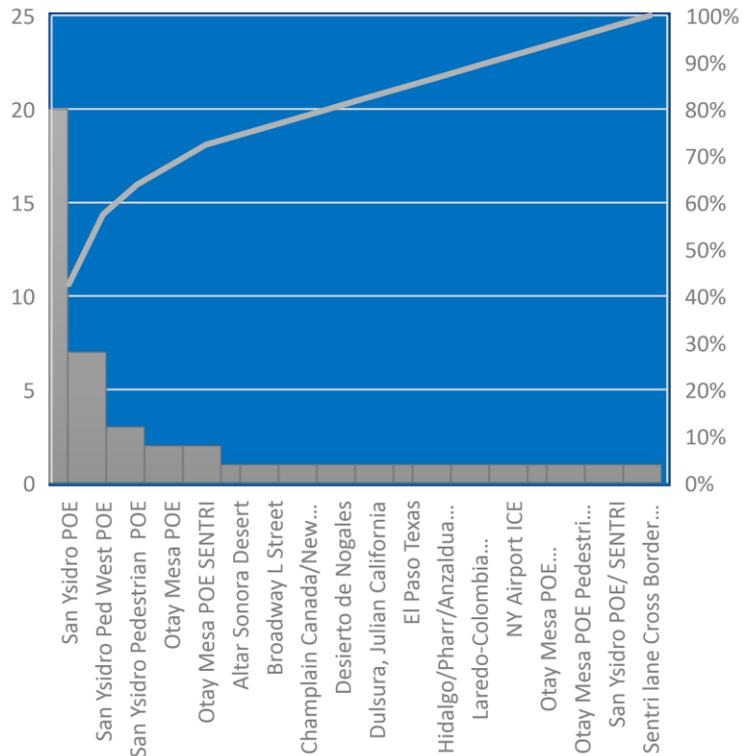
90% of the documented abuses were committed by CBP Office of Field Operations agents at the Ports of Entry; Border Patrol were responsible for 6% of documented abuses, while Immigration and Customs Enforcement (ICE) agents were responsible for 4% of the recorded mistreatment.

Location where the documented cases occurred

Most of the documented abuses occurred at the San Ysidro Port of Entry

42% of people alleging abuse by federal border and immigration agents were U.S. citizens.

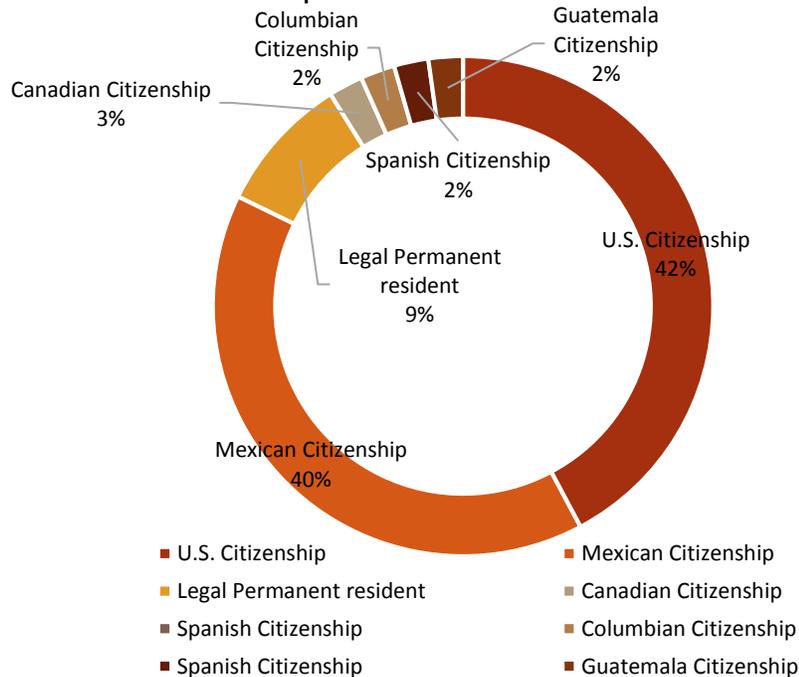
40% were Mexican citizens, 9% Legal Permanent Residents, the rest were Canadian, Columbian, Guatemalan and Spanish citizens.



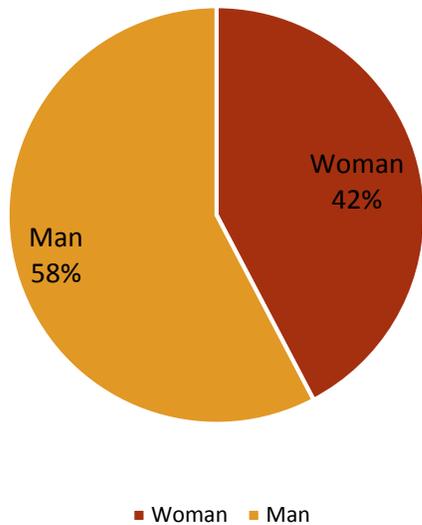
Excerpt of a documented case:

Mr. [REDACTED]'s wife, who is also a US citizen, told CBP agent [REDACTED] "We are trusted travelers" CBP agent [REDACTED] answered raising his voice, "Do you know how many trusted travelers come into the U.S with contraband?" "I don't care about the SENTRI program, it was created by politicians and it does not apply to me." This made Mr. [REDACTED] and his wife feel uneasy.

Citizenships of the documented cases

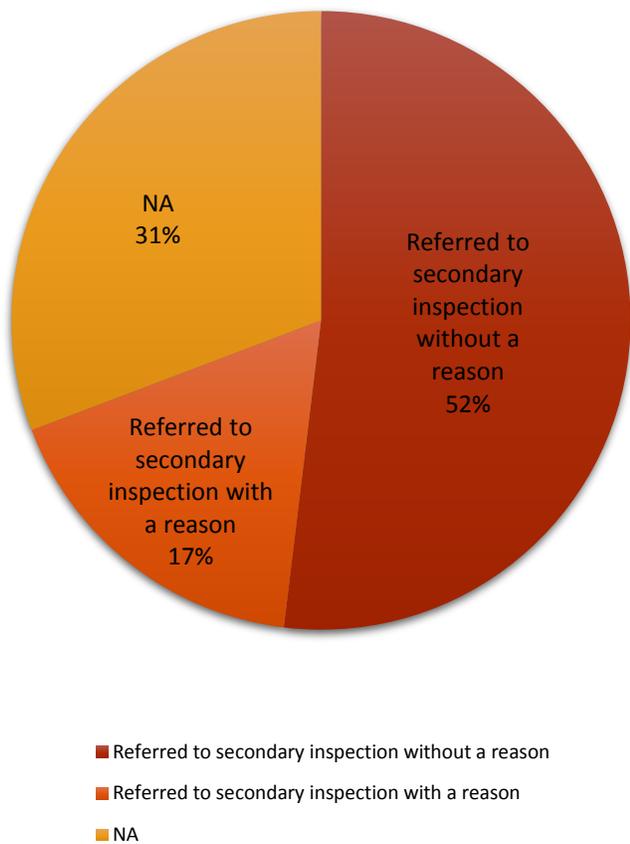


Gender of abused by federal agent



Lili Serrano, volunteer, speaks to a border crosser about his rights (photo by Karen Romero)

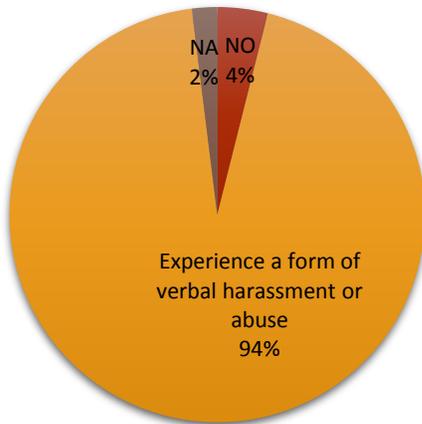
Documented cases of people who were referred to secondary inspection without an explicit reason



Excerpt of a documented case:

Mr. [REDACTED] who is a permanent legal resident, was crossing through the San Ysidro Port of Entry. When Mr. [REDACTED] arrived to the inspection booth, the CBP agent sent Mr. [REDACTED] to secondary inspection without providing a reason. At secondary inspection, Mr. [REDACTED] was harassed by a CBP agent who questioned and coerced Mr. [REDACTED] to say he lived in Mexico. Mr. [REDACTED] was held in secondary inspection for over two hours. He was threatened by a CBP agent who told him, "If you don't lie, and say you live in Mexico, we will detain you in secondary inspection for more hours." "And next time you cross from Mexico to the U.S., we're going to take away your green card."

Documented percentage of people who experienced verbal harassment or abuse by an agent

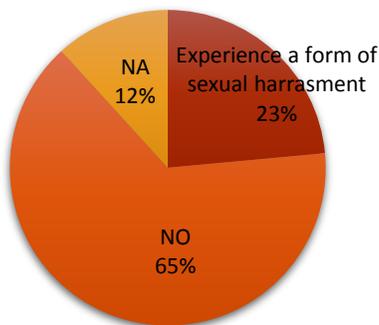


■ NO ■ Experience a form of verbal harassment or abuse ■ NA

Excerpt of a documented case that demonstrates an example of verbal abuse by a CBP agent:

The CBP agent Bahena started to shout at Ms. [REDACTED], "I am going to write a bad note on your record to ban you from entering the United States forever! And you will always remember my name, agent Bahena!" Ms. Garcia felt frightened and asked the CBP agent Bahena if she could talk to his supervisor, at this point CBP agent Bahena became even more visibly upset.

Percentage of people in the documented cases who experienced a form of sexual harassment



■ Experience a form of sexual harassment
 ■ NO
 ■ NA

23% of the people in the cases documented experienced a form of sexual harassment.

Excerpt of a documented case that demonstrates an example of sexual harassment by a federal agent:

At that moment, Mr. [REDACTED] was sent to a secondary inspection office where the CBP agents made Mr. [REDACTED] take off his shoes, jacket and unbutton his pants, then the CBP agent proceeded to perform a body search, touching Mr. [REDACTED]' arms, legs, underarms, back, buttocks, penis, and squeezed his testicles in a lewd manner that physically hurt and humiliated him. At the same time, the CBP agent told Mr. [REDACTED] "Take out what you have in your huevos [a crude reference to male testicles]!"

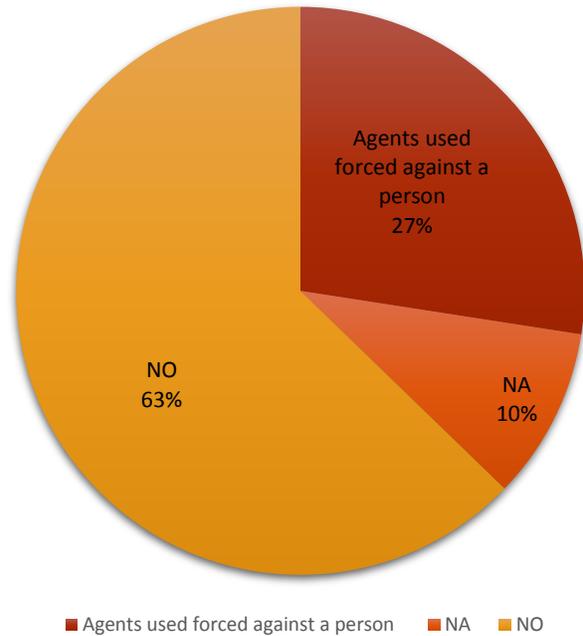


Photo provided by unnamed victim in case cited below.

This photo was taken a day after the incident where handcuffs were placed without motive, and therefore deemed unnecessary. The marks left by the tightly placed handcuffs were still visible.

The person in the picture is a 60-year-old woman, who was released immediately after being detained, and no charges were placed against her.

Percentage of documented cases where the agent used force against a person

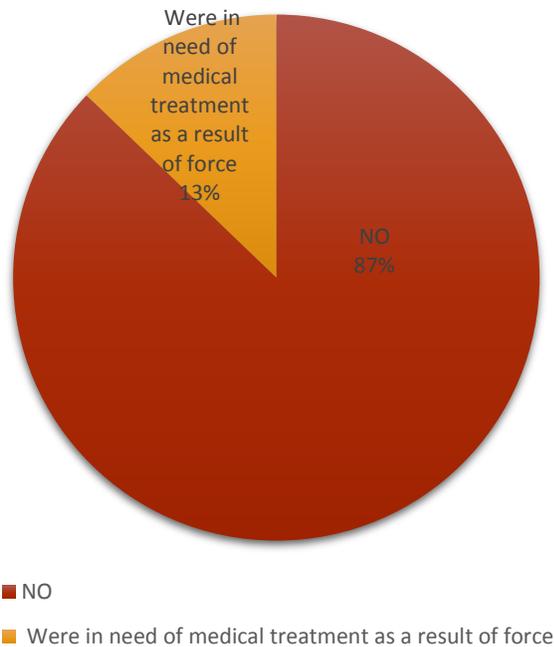


Excerpt of two cases that shows examples of use of force by federal immigration agent:

a) Afterwards, CBP agent ██████ took Mr. ██████ to the same office where Ms. ██████ was detained and sat Mr. ██████ in a very painful position. Mr. ██████ who is 6 feet tall, was handcuffed to the legs of the chair, in an excruciating position that squeezed his stomach, thus impairing his ability to breath properly. This while the tight handcuffs were cutting the circulation of his hands, turning them blue and swollen. Next, a CBP agent told Mr. ██████, "I will deport you, and you won't be able to return to this country." Mr. ██████ asked the CBP agent, "Please tell me what is going on?" The CBP agent yelled, "Shut up!"

b) Then the CBP agent took Mr. ██████'s Legal Permanent Resident Card, simultaneously grabbed his gun and shouted "Get out of your car!" Mr. ██████ asked, "Why?" The CBP agent answered, "Shut up!" "Get down and put your hands up!" Next, Mr. ██████ was surrounded by four CBP agents who also injured Mr. ██████'s shoulder and right elbow when the agents grabbed and lifted his arms up while he was being handcuffed, causing excruciating pain.

Were in need of medical treatment as a result of force



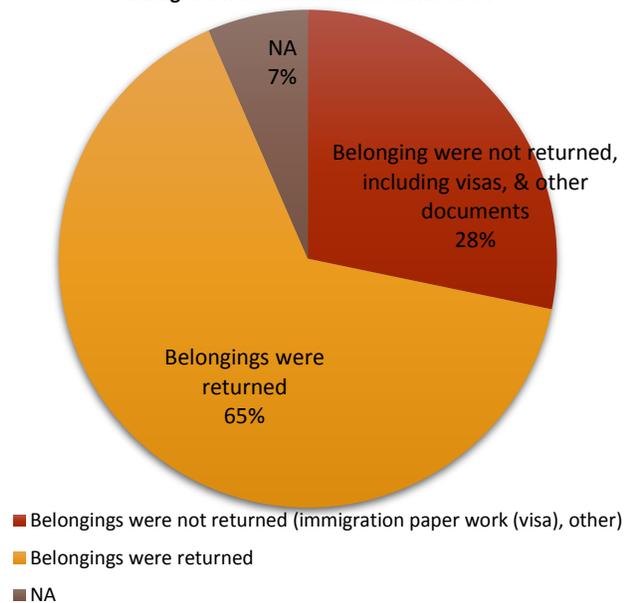
Excerpt of a documented case that shows an example of use of force by a Border Patrol agent:

Ms. [REDACTED] was driving between L and Broadway streets in the city of Chula Vista, when a Border Patrol vehicle turned on a loud speaker alarm in the direction of [REDACTED]. [REDACTED], the sound was so loud and pitched that it traumatized Ms. [REDACTED]. She was unable to drive her car for a month. She started to suffer from severe headaches and she could not hear properly. Ms. [REDACTED] visited her physician who had to prescribe a hearing aid worth \$5000 dollars as a result of the Border Patrol agent’s tactics.

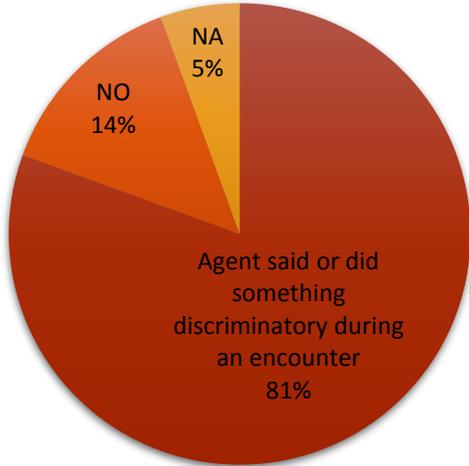
Excerpt of a documented case that shows an example of where a federal agent confiscated visas or other immigration documents:

At all times the CBP agents displayed a threatening demeanor and did not permit Mr. [REDACTED] to call his family or to access a translator so he could explain himself better. (Mr. [REDACTED] barely speaks and understands English). However, he could hear the CBP agents yelling “Fucking Mexicans!” repeatedly. Next, a CBP agent confiscated Mr. [REDACTED]’s visa and told him, “I will write down negative comments about you so you won’t be able to qualify for a new visa; because of your family ties to the U.S.”

Percentage of people in the documented cases where immigration documents were confiscated



Percentage of cases where the agent used discriminatory language to the complainant

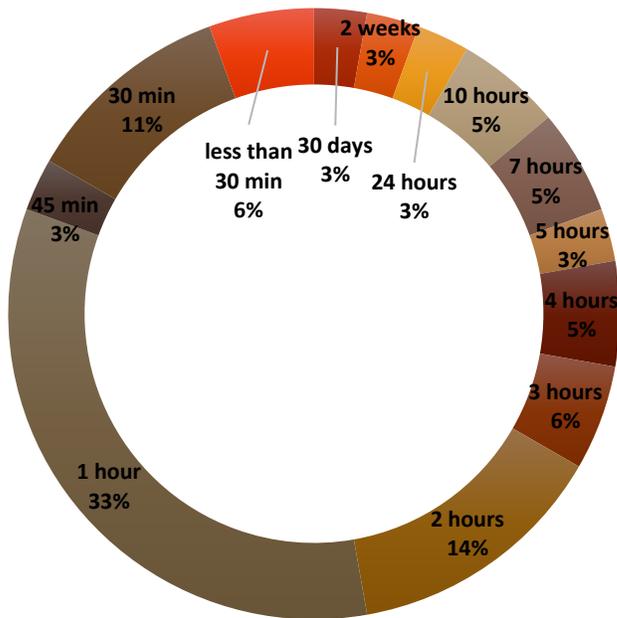


- Agent said or do something discriminating during an encounter
- NO
- NA

Excerpt of a documented case that shows an example of disparaging language by a Border Patrol agent while detaining a minor:

*The agent replied:
 "Why are you demanding your rights?
 You are an illegal!
 You are not 17!
 People from Guatemala are short.
 You must be Honduran."*

Duration of encounter with the agents

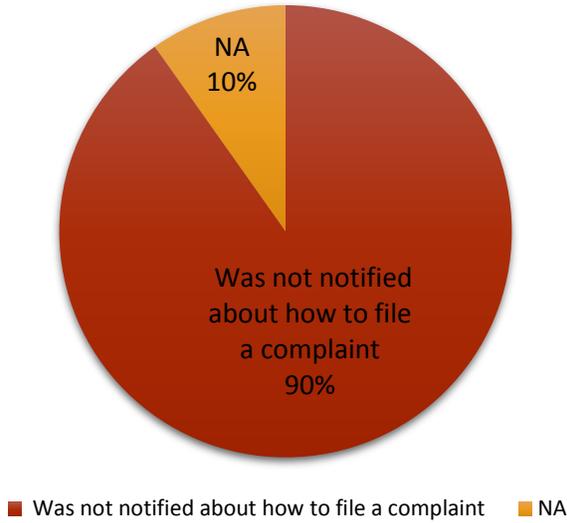


- 30 days
- 2 weeks
- 24 hours
- 10 hours
- 7 hours
- 5 hours
- 4 hours
- 3 hours
- 2 hours
- 1 hour
- 45 min
- 30 min

Excerpt of a documented case that shows an example of a person being detained for almost 9 hours:

The agents were unprofessional and treated Mr. [REDACTED] poorly, having detained him for almost 9 hours without communication, he experienced both physical and psychological abuse.

Percentage of cases when the person was not notified about how to file a complaint

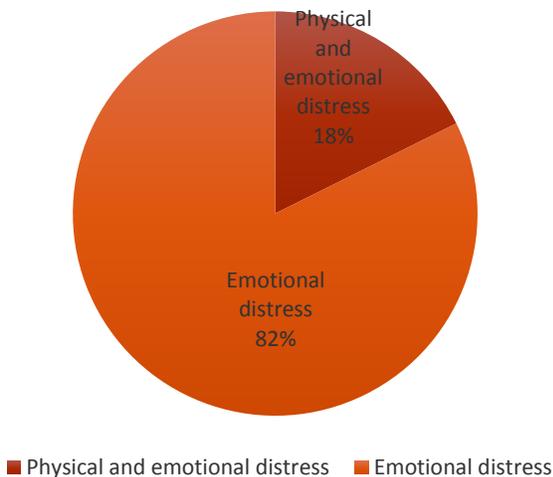


In 90% of the cases documented for abusive treatment, those alleging abusive treatment were not notified about how to file a complaint or were threatened against filing a complaint, as exemplified in the following excerpt of a documented abuse case.

Excerpt of a documented case:

The CBP agent continued, "If you file a complaint against us we are going to say you are the only one to blame." Mr. ██████ felt frightened and intimidated because the CBP agent tried to make him feel guilty. Mr. ██████ asked, "What is going on?" The CBP agent responded, "You're an arrogant and disrespectful person." "If we weren't here supervising you, for sure you and your girlfriend would be doing cosas," implying they would be involved in sexual conduct.

Percentage of people in the documented cases that suffered physical and emotional distress



In 100% of the documented cases people reported a form of physical and emotional distress caused by the federal agents' extreme and sometimes outrageous conduct, who intentionally or recklessly caused the emotional and physical distress that affected the abused person days, months, and even years after the incident.

The person reporting the abusive treatment complained of post-traumatic stress, headaches, weight and appetite loss, insomnia, anxiety, feeling confused, having on-going emotional distress, hallucination, rage, depression and so on.

Excerpt of a documented case.

Mr. ██████ has not been the same since this incident. He feels anxious and cannot sleep at night because he wakes up sweating and exalted, re-living the bad experience. He had to seek professional therapy to help him overcome the abuse he suffered the day of this incident.

Recommendations:

1. *Federal border and immigration agents should not inflict, instigate, or tolerate any act of torture or other cruel, inhumane or degrading treatment or punishment by their agents, including the use of excessive physical restraint or inappropriate body searches. Extra attention should be given to vulnerable populations: seniors, children, pregnant women and persons with disabilities.*
2. *Federal border and immigration agents need to establish greater transparency in their operations, by making the information of these practices accessible to the public, including the rules and procedures for interrogating detainees, the methods and practices and arrangements for the custody and handling of persons by federal immigration and border agencies, including at detention center facilities.*
3. *Federal border and immigration agents should receive emotional intelligence training^{iv} that would enhance their ability to interact with people. Emotional intelligence training would enhance the agents' effectiveness in working with the public. Emotional intelligence testing as early as possible in the hiring process would serve a similar benefit, as agents would be better prepared to resolve matters without immediately resorting to violence.*
4. *Federal border and immigration agencies need to practice periodic mental health exams to verify the federal immigration agent's emotional health. The nature of the demanding and stressful job could potentially heighten mental health illnesses, placing agents and the public at risk. The agency needs to offer confidential counseling and treatment.*
5. *Federal border and immigration agents need to receive enhanced Spanish-language training to communicate effectively with the people they encounter daily at the southern ports of entry. Agents are obliged to communicate and inform the public about rights and due process procedures, including providing information about complaint processes.*
6. *It is important for CBP to standardize the complaint submission procedure, and to inform the public about how to submit a complaint regarding human and civil rights abuses by its agents. Facilitating this information in the inspection and detention areas, holding cells, and vehicle and pedestrian lanes in CBP stations or ports of entry in the required languages could prevent further abuses by agency personnel, including coercion, abuse of power, and excessive force.*
7. *Make accountable federal and immigration agents for violations of human and civil rights by creating a transparent process on the investigation of complaints alleging abuse, including quarterly reports that detail in how many cases disciplinary action was taken, and related information to complaints filed by members of the public.*
8. *All CBP agents should be fitted with body cameras to increase transparency and accountability. Camera footage would provide better evidence of events and modify the behavior of federal immigration agents and civilians. Clear and robust protocols for appropriate release of footage should accompany the use of body-worn cameras, as should privacy protections protecting agents and the public.*

with a trained asylum officer or a fair hearing before an immigration judge.

Individuals seeking asylum who were turned away also complained that the agents were unprofessional and rude during the encounter with them.

Of further concern were complaints that the detention facilities were dirty, with foul-smelling cement rooms, kept at cold temperatures with nauseating bright lights day and night. The rooms were overpopulated with women and children, devoid of beds and blankets. They suffered cold, hunger, were unable to sleep; and deprived from adequate food, were not allowed to bathe; and in some cases, they were victims and observers of sexual harassment by immigration agents.

Excerpt of documented case:

On October 1, 2016, Ms. ██████ arrived at the San Ysidro Port of Entry with her two minor children. She was requesting asylum. She was fleeing her town in Acapulco, Mexico, because armed men threatened her and her family. The men had shot her husband, who was hospitalized when they fled. The family was detained for nearly five hours. In reference to the asylum request, a CBP agent responded to her, “No le eches tanta crema a tus tacos,” which is a Mexican saying suggesting that Ms. ██████ was exaggerating about her fear of returning to her home town.

[Photo of Ms. ██████’s husband’s wounds in a Mexican hospital.]

Recommendations:

- a) *Trained asylum agents should be available 24 hours per day in order to ensure that all those seeking asylum receive adequate attention;*
- b) *Counsel and assistance should be available during the interview at a port of entry;*
- c) *Asylum seekers should not be permanently detained and efforts should be made to connect asylum seekers with community support networks; and,*
- d) *CBP should issue public quarterly reports detailing disciplinary action taken, including the number of cases and the nature of the abusive actions, and the appropriate oversight agencies review these cases to recommend policy changes, additional training, and for improvement of internal processes.*



Photo provided by unnamed asylum seeker.

Conclusion:

We cannot quantify the distress of how on-going abuses by CBP agents affect the border community and the repercussions that these abuses produce to our society. We need to act with humility, use our ability to reason and understand the enormity of emotions and depths of despair a person suffers in an abusive situation.

CBP and immigration agents must be responsible for how they interact with civil society, where compassion should be prioritized, and their actions guided and inspired by a responsibility that uplifts the dignity that all people inherently deserve.

Submitted administrative complaints in 2016 and 2017

It is particularly important to document and file administrative complaints to the agencies in question when accusing them of wrongdoing. The USMBP encourages community members to document experiences where abusive practices might have occurred. Furthermore, the USMBP submits administrative complaints to initiate agency-directed investigations when those victimized choose to pursue an internal investigation. Understanding that in many cases, victims of abusive treatment are afraid of retaliation or reprisal against them, or fear losing their visa or LPR card, many choose to not file administrative complaints.

Victims Name	Date of the abuse	complaint was sent via mail	Date we received a respond	Status	Agency that reponded
	February 10, 2016	4/18/2016	7/28/2016	Agency reponded	Office for Civil Rights and Civil Liverties U.S. Department of Homeland Security
	May 18, 2016	6/29/2016	7/28/2016	Agency responded	Office for Civil Rights and Civil Liverties U.S. Department of Homeland Security
	May 6, 2016	6/15/2016	9/21/2016	Case closed / Resident card was returned to Ms. Rodriguez	Office for Civil Rights and Civil Liverties U.S. Department of Homeland Security
	May 13, 2016	6/8/2016	7/28/2016	Agency reponded	Office for Civil Rights and Civil Liverties U.S. Department of Homeland Security
	August 30, 2015	7/19/2016	7/28/2016	Waiting for agencies to respond	Office for Civil Rights and Civil Liverties U.S. Department of Homeland Security
	May 24, 2016	6/17/2016	Waiting for agencies to respond	Waiting for agencies to respond	NA
	May 04-2016	12/22/2016	3/17/2017	Agency reponded	Office for Civil Rights and Civil Liverties U.S. Department of Homeland Security
	April-21-2017	4/25/2017	Waiting for agencies to respond	Waiting for agencies to respond	NA

The following are samples of cases submitted to CBP, the Office of Civil Rights and Civil Liberties, and the Office of the Inspector General for administrative action:

Sample case 1:

Synopsis of Incident

On Friday, May 06, 2016 between 8:45 pm and 9:00 pm, Ms. R, was returning from Tijuana after visiting her sick mother who suffers from cancer. During her crossing at the San Ysidro Port-of Entry, Ms. R stopped at the vehicle inspection booth, where the CPB officer asked Ms. R, "Where are you going and what are you bringing from Mexico?" Ms. R responded, "I am going home and I am not bringing anything."

Afterwards the CBP officer instructed her to open the car trunk, however Ms. R struggled to open it and asked the CBP officer to help her. The CBP officer refused to help and held his both hands behind his back while he watched Ms. R try to open the trunk.

Then the CBP officer asked Ms. R, "Do you know where the secondary inspection is?" At that point a K-9-unit approached Ms. R's car and was surrounded by CBP officers. Ms. R asked the CBP officer, "What's wrong?" The CBP officer responded harshly, with, "Don't ask! You will know when you get to secondary inspection!" Ms. R replied "This is a mistake." At that point she was handcuffed at the inspection booth and walked over to the secondary inspection. Once she arrived to secondary inspection, Ms. R was ordered by a female CBP officer to raise her hands and get down on her knees, while the CBP officer handcuffed her ankle to a metal bench, this despite Ms. R's pleadings to the CBP officer to not make her kneel because she was suffering unbearable pain on her knees.

Ms. R was not given a reason for the search, and was ordered by the CBP officer to open and close her legs on command. Ms. R obeyed and responded “yes” to every order given by the CBP officer. Meanwhile, Ms. R noticed another CBP officer by her side that proceeded to write notes during the body search. She asked this CBP officer “What are you writing about?” The CBP officer responded with, “Do not ask any questions or try to turn your head to see what is happening!” Meanwhile, the CBP officer that was conducting Ms. R’s body search proceeded to take of Ms. R’s jacket, unfasten her bra, and took off her elastic hair band. Ms. R was mistreated and humiliated during this encounter that lasted more than 30 minutes. She felt terrified, distressed; her ears started to hum, her heart started beating faster and faster and she felt nauseated during the entire event.

Ms. R told the CBP officer she was feeling both physically and emotionally sick. The CBP officer ignored her. At that moment another CBP officer told her she could leave. This CBP officer returned her purse and car keys, however, Ms. R noticed that the CBP officer did not return her permanent resident card. The CBP officer told her to move along but Ms. R responded with, “I’m waiting for my permanent resident card.” The CBP officer then stated, “We can’t find it.”

Ms. R returned home trembling, and told her daughter what happened. Her daughter drove her back to the San Ysidro Port-of Entry Secondary Inspection area, through the Camino de la Plaza, "LAST US EXIT." This happened at around 11:00 pm. Her daughter asked a CBP officer to help her find Ms. R’s legal resident card. The CBP officer at that moment asked Ms. R for an identification. She provided her California driver’s license. The CBP officer went to look for her legal resident card, however he could not find it. Ms. R and her daughter returned to the San Ysidro Port-of Entry Secondary Inspection on May 7, 8, and 9 and asked to talk to a supervisor, but the CBP officers denied her the opportunity to talk to a supervisor.

Later that week, a female CBP officer named López called Ms. R to tell her that they couldn’t find Ms. R’s legal resident card.

Mr. R requests the return of her legal resident card an immediate investigation into this matter, because the agents were unprofessional and abusive. She was forced to kneel down while a CBP officer conducted a body cavity search. The CPB officer did not return her legal resident card. This event left her without her legal resident card, it humiliated her, made her feel terrified, physically ill, and emotionally distressed.

Sample case 2:

Synopsis of Incident

On Wednesday, February 10, 2016 between 1:05 pm and 1:20 pm, Mr. M was returning from Tijuana crossing through the inspection booth number 18 at the San Ysidro Port-of Entry. Mr. M was driving a Black Honda motorcycle and followed the agent’s instructions.

Mr. M stopped a short distance from the inspection booth and waited for the agent to tell him to proceed. The agent waved to Mr. M with a hand signal to wait, then the agent stood at the front of the inspection booth. Mr. M was going to stop next to inspection booth 18; however the agent indicated Mr. M to park in front, next to the inspection booth number 17, slightly in front of the inspection booth number 18. (Mr. M believes he was out of range of the cameras in the area).

Mr. M followed the agent's instructions at all times and stopped where the agent had indicated to do so. Afterwards the agent told Mr. M to turn off the motorcycle. Mr. M complied and turned off his motorcycle. Next, the agent told him to turn on the motorcycle, so Mr. M turned on the motorcycle. Then the agent indicated to Mr. M to accelerate the motorcycle. Mr. M asked the agent why he wanted him to do that, but he followed the agent's instructions. For a second time the agent gave Mr. M a hand indication to accelerate the motorcycle, Mr. M accelerated his motorcycle again.

At that point the agent shouted violently at Mr. M and told him to turn off the motorcycle, this while the agent took his hand to his fire arm and removed the holster-locking mechanism. The agent threatened Mr. M with pulling out his gun if Mr. M did not obey his orders. Mr. M turned off the motorcycle.

The agent shouted at Mr. M "show me your documents!" Mr. M provided his U.S. passport. The agent then closed the holster locking mechanism of his fire arm.

The agent returned to the inspection booth to scan Mr. M's passport, then he asked Mr. M what he had in his backpack. Mr. M said "nothing." Mr. M asked the agent if he wanted to check his backpack and the agent told him he could go.

For a moment Mr. M thought the agent was going to take his gun out and shoot him. Mr. M only did what the agent instructed him to do. Mr. M accelerated his motorcycle because he thought the agent wanted to check if the motorcycle engine had something inside of it.

Mr. M was verbally abused and threatened by the agent. Mr. M is a US citizen and works for the US Navy.

Mr. M requests an immediate investigation into this matter. The agent was unprofessional, verbally abusive and threatened Mr. M with pulling out his fire gun to provoke and aggravate him. This situation made Mr. M so distressed that he does not remember how he arrived to his work that day.

Sample case 3:

Synopsis of Incident

On Friday, May 13, 2016, approximately at 12:10 pm, **Mr. C** and **Mrs. R** were crossing from Nuevo Laredo after attending a symposium in the city of Monterrey, Nuevo León, through the Laredo-Colombia Solidarity International port of entry.

At their arrival at the inspection booth the CBP agent asked Mr. C and Ms. R, "What is the reason for your visit?" Mr. Contreras answered "To eat, shop and spend the weekend in Laredo." At that moment the CBP agent started to laugh at them and asked them "Where do you come from?" Mr. C answered, "I am visiting from Guadalajara, Jalisco." Afterwards the CBP agent replied, "So you are coming all the way from Guadalajara to eat?" The CBP agent then ordered Mr. C to park his car in secondary inspection.

Two CBP agents by the names of: **López** and **Alejandro** immediately approached Mr. C and Ms. R and rudely asked them, "Where are you going?" Mr. C responded, "To eat, shop and spend the weekend." The CBP agents responded with, "Are you making fun of us?" Mr. C replied, "I am only telling the truth." The CBP agents asked, "Whose car are you driving?" Mr. C responded, "I rented this vehicle in Monterrey." He then proceeded to show the CBP agents the car rental documents. Mr. C continued, "I rented the car for the weekend and planned to return it back on Sunday." The CBP agents reviewed the document and got agitated and shouted, "You are not going to make fun of us!" "I am going to put your ass in the middle of the bridge and then I'm going to make fun of you!" Mr. C felt scared after hearing that threat.

Then the CBP officers told Mr. C and Ms. R to exit the car with their belongings and then began yelling, "I am going to deport you because you were making fun us, we don't want people like you!" One of them repeated, "I am going to put your ass in the middle of the bridge!" Mr. C asked the CBP agents "Why are you treating us this way?" "We are not doing anything to upset you." Then the K-9 arrived to inspect Mr. C's car, afterwards the CBP agent took the car keys away from Mr. C and he and Ms. R were handcuffed.

Immediately then CBP agent López began insulting Mr. C and Ms. R and yelled at them, stating, "You have drugs in the vehicle!" Mr. C said, "No, I don't have drugs in the car, I rented the car in Monterrey." The CBP agent told Mr. C, "Shut up," and took Mr. C to a cell. Mr. C did not resist despite the fact that the handcuffs were hurting him because they were squeezing his wrists.

At that moment Ms. R was sent to an office and started to receive orders in English that she could not understand because she does not speak the English language. She was left handcuffed in a corner of the office. Later on a female CBP agent removed the handcuffs from Ms. R and led her to a cell and began carrying out a thorough body search, patting Ms. R inside her bra and between the legs.

Afterwards CBP agent Alejandro took Mr. C to the same office where Ms. R was detained and sat Mr. C in a very painful position. Mr. C who is 6 feet tall was handcuffed to the legs of the chair, in an excruciating position that squeezed his stomach thus impairing his ability to breath properly, this while the tight handcuffs were cutting the circulation of his hands, turning them blue and swollen. At that moment a CBP agent told Mr. C, "I will deport you, and you won't be able to return to this country." Mr. C asked the CBP agent, "Please tell me what is going on?" The CBP agents told him, "Shut up!"

CBP agent Alejandro asked Ms. R, "Where does your boyfriend work?" Ms. R answered, "Mr. C works for the Mexican government." The CBP agent Alejandro continued asking, "Is Mr. C married? Does he have two daughters? One in México and one in the United States?" Ms. R responded, "Yes Mr. C has two daughters one in México and one in the United States." The CBP agent Alejandro asked Ms. R, "Do you have any children?" Ms. R answered, "Yes I have two children." Then the CBP agent Alejandro took Mr. C to another cell while the CBP agent Lopez kept harassing Ms. R with personal and suggestive questions.

Then CBP agent Alejandro arrived with a blank piece of paper and started to ask Ms. R a series of questions, "What is your marital status?" Ms. R answered, "I have been divorced for three years now." CBP agent Alejandro continued asking, "What is Mr. C to you?" Ms. R answered, "Mr. C is my boyfriend," CPB agent Alejandro responded, "What are you doing with that disgusting person?" CBP agent Alejandro continued, "What are the names of your children and their ages?" Ms. R provided the information to CBP agent Alejandro who responded, "Do you know something?" I can destroy the life of your children, I can "*fregarles la vida*," and not allow them to enter this country." To which Ms. R replied, "My children don't have a visa to cross to the US, however I respect your decision." CBP agent Alejandro also asked, "What is the name of your ex-husband and where does he work?" Ms. R responded, "My ex-husband works at Teléfonos de México." The CBP agent Alejandro replied "Are you aware I can also take your visa, and punish you for five years so you won't be able to enter this country". Ms. R felt sad and scared and her eyes were on the verge of tears by the feeling of helplessness of what was happening at that moment. The CBP agent left the office for a moment and when he returned, told Ms. R, "We took Mr. C's visa so he won't be able to return to my country - do you know one thing? You and your boyfriend have answered all the questions I have asked; now I need a reason to take *your* visa."

During that time agent López put Mr. C against the wall and told him, "I am going to proceed with a body search - don't try anything that you might regret!" CBP agent López began the body search with Mr. C's arms, legs, underarms, back, buttocks, and penis, and squeezed his testicles in a lewd manner that physically hurt and humiliated him. Afterwards CBP agent Alejandro told Mr. C, "If you want to get this over with, sign this document."

At that moment CBP agent Alejandro took the handcuffs off Mr. C and took him to another room where they had a computer with a webcam and a machine to take fingerprints and told Mr. C, "I will take your fingerprints, this is what I will use to register you in our records so you'll never set foot in this country again." He continued, "I have dealt with Blacks, Asians, Arab and Iranians but you, Mexican, are the worst!" He continued, "If you file a complaint against us we are going to say you are the only one to blame." Mr. C felt frightened and intimidated because the CBP agents tried to make him feel guilty. Mr. C asked "What is going on?" The CBP agents responded "You're an arrogant and disrespectful person" "If we weren't here supervising you, for sure you and your girlfriend would be doing *cositas*."

After more than four hours the CBP agent told Ms. R she could leave. She asked for Mr. C and the CBP agent responded, "He cannot leave, because he is too arrogant." Afterwards Ms. R asked the CBP agent to return her purse and cell phone, however the CBP agent replied, "I cannot find your purse." Afterwards, other officers arrived in the office because there were changing shifts, it was approximately 6:00 pm. Ms. R was not sure of the time because she did not have her phone and purse at the moment. Meanwhile CBP agent Castro approached Ms. R, she asked him if he could help her look for her purse and have it returned. She also described the situation. CBP agent Castro told Ms. R, "I am starting my shift, I cannot help you, but don't worry, Mr. C will get out soon." He then went looking for Ms. R's purse and returned it to her. Ms. R was very hungry because she had been detained at that point for more than four hours without food or water. CBP agent Castro told Ms. R, "Your boyfriend will be out in about an hour." However, Mr. C was detained three more hours after that statement. Then CBP agent Castro told Ms. R in a kind manner "The CBP agents did not find anything in the car, I cannot help you because the investigation was in process when I arrived. Nevertheless Mr. C will get out, and you will get your car back without a problem."

Meanwhile Mr. C felt worn out. His body and stomach hurt after sitting in an uncomfortable position for hours. The CBP agent handcuffed Mr. C again to a chair and told Mr. C, "If you sign this document I will let you go." The documents were in English, and they had attached Mr. C's fingerprints and photos.

Mr. C asked the CBP agent, "What am I signing?" The CBP agent did not answer. Mr. C felt CBP agent Alejandro forced him to sign the document using intimidation.

Afterwards a female CBP agent approached Mr. C, he asked her, "Could I speak to a supervisor?" The CBP agent did not let him talk to a supervisor, instead she asked him, "Have you ever worked in the United States?" Mr. C replied "Yes, with a permit." The work visa was in his passport for the CBP agent to review, however, the CBP agent gave Mr. C more documents to sign, without explaining or letting him know or read what he was signing.

Mr. C saw two more people arrive at the office where Mr. C was detained. They were handcuffed and Mr. C witnessed when the CBP agents told them, "Mexicans *morenitos*, you are not welcome in this country!" Afterward a CBP agent, who had Mr. C's documents, took him to the room where he had been fingerprinted and told him to sign all the documents again. Mr. C asked "What are you giving me to sign?" The CBP agent refused to tell him, and after almost nine hours of being intimidated, both physically and psychologically, Mr. C signed the documents. Subsequently the CBP agent took him to another office where he met with a female supervisor who told Mr. C, "This inspection took so long because you were under investigation, everything is fine, we'll let you go with Ms. R and you can return to Mexico."

The CBP agents didn't allow Mr. C to drive back to the crossing area. Ms. R, who does not know how to drive well, had to drive to the crossing area, where the CBP agents finally released Mr. C and he could approach the car with Ms. R.

Mr. C was in shock and trembling at that moment. Mr. C and Ms. R had not planned to return to Monterrey that same day, especially through an unsafe and dangerous road (the only road to Monterrey on the side of Mexico). The CBP agents left Mr. C and Ms. R vulnerable to face another risk, violating their integrity.

Mr. C and Ms. R requests an immediate investigation into this matter. The agents were unprofessional and treated Mr. C poorly, having detained him for almost 9 hours without communication, where he faced both physical and psychological abuse. Mr. C has not been the same since this incident. He feels nervous and cannot sleep at night because he wakes up sweating and exalted, re-living the bad experience over and over again; and he has had to seek professional therapy to help him overcome the abused he suffered the day of this incident.

ⁱ For a collection of relevant reports highlighting CBP abuses, see: <https://holdcbpaccountable.org/reports/> and <https://www.cbp.gov/sites/default/files/documents/PERFReport.pdf>

ⁱⁱ “CRCL Complaint on CBP’s Systemic Denial of Entry to Asylum Seekers,” accessible at: <http://www.aila.org/infonet/crcl-complaint-cbps-systemic-denial-asylum-seekers>

ⁱⁱⁱ “Crossing the Line: U.S. Border Agents Illegally Reject Asylum Seekers (May 2017),” published by Human Rights First, available at: <http://www.humanrightsfirst.org/sites/default/files/hrf-crossing-the-line-report.pdf>

^{iv} Cherniss, S., Goleman D. The Emotionally Intelligent Workplace. San Francisco, CA: Jossey-Bass, (2001). Cherniss, S. Emotional Intelligence: What it is and why it matters. Accessible at: www.eiconsortium.org

^v Standards on Transport, Escort, Detention, and Search, U.S. Customs and Border Protection, October 2015. Accessible at: https://www.cbp.gov/sites/default/files/documents/cbp-teds-policy-20151005_1.pdf